APPENDIX

UNITED STATES CIRCUIT COURT OF APPEALS
FOURTH CIRCUIT

No. 5229.

UNITED STATES OF AMERICA ex rel.
WILLIAM HENRY LOHRBERG, SR.,
Appellant,
versus
CLAUDE O. NICHOLSON, Warden, and
FRANCES BIDDLE, Attorney General,
Appellees.

Appeal from the District Court of the United States for the Eastern District of Virginia, at Richmond.

No. 5233.

UNITED STATES OF AMERICA, ex rel.
RALPH FALBO, SR.,
Appellant,
versus
M. L. KENNEDY, Superintendent, and
FRANCES BIDDLE, Attorney General,
Appellees

Appeal from the District Court of the United States for the Southern District of West Virginia, at Bluefield.

(Argued March 13, 1944. Decided March 17, 1944.)

Before PARKER, SOPER and DOBIE, Circuit Judges.

PER CURIAM:

These are appeals from orders denying writs of habeas corpus. The prisoner in No. 5233 is the Nick Falbo whose

conviction of violation of the Selective Service Act was affirmed by the Supreme Court in *Falbo* v. *United States,* [320] U. S. [549], 64 S. Ct. 346. It is clear that the judgment which was there upheld cannot be collaterally attacked on the same grounds by resort to habeas corpus. Falbo is imprisoned, not under the Selective Service Act, but under the judgment of a court. Nothing is shown which would justify the court in ordering the release of the prisoner notwithstanding that judgment. *Sanderlin* v. *Smyth,* 138 F. 2d 729. The same principles are applicable in the case of the petitioner Lohrberg.

Affirmed.